

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

3. On November 16, 1999, the petitioner was denied GA in a written decision which stated that the denial was due to both his "disqualification for ANFC or Medicaid for refusing to meet a requirement of that program" and because "water

pumps are not covered items" under GA regulations. On November 22, 1999, a corrected notice was sent to the petitioner telling him that he had actually been denied because his "situation is not considered catastrophic under GA/EA program guidelines" and because "this service [purchase of a water pump] is not covered by GA." The petitioner appealed that decision.

4. The evidence presented at hearing indicates that the petitioner purchased a two hundred and forty-six acre farm with a house in 1967. The farm has two hundred tillable acres, three year-round springs and forty acres of timber. It is located in Cornwall, Vermont on Route 30. In 1975, the farmhouse was sold and the petitioner moved a trailer onto the remainder of the land. Water was pumped to the trailer from a spring with an electric pump he had borrowed from a neighbor. In 1985 a new trailer was installed which also had water pumped to it from a spring.

5. This past summer, the petitioner decided to start a more permanent structure and dug a cellar hole alongside his mobile home and started to build a wall around it. He put his hot water heater and pump in the cellar hole. Over the summer, members of a weatherization program visited his home and told him that until he finished and capped the cellar

hole, he would have to move the heater and pump back into his trailer. Apparently the hot water heater was moved back but not the pump. The petitioner indicated that he expected the weatherization program people to move the pump as well. He realized as summer ended that the lines to the pump in the uncovered cellar hole would freeze if they weren't moved but said he did not have the ability to accomplish that. He claims that he applied in late September for assistance in fixing the cellar hole and buying a new pump but there is no evidence that he did so and there was no appeal filed pursuant to any denial at that time.¹

6. In late September 1999, the pump froze and could not be repaired. The petitioner was forced to carry water in gallon jugs from a nearby stream which is difficult for him because of a spine problem which makes it hard to lift. A friend helped him finish the stone wall in the cellar and it is now ready for a wooden top and tarp. The cellar temperature is about 40 degrees now and the petitioner plans to build a wooden box around the new pump and lines, and to

¹ The petitioner claimed that he originally applied for assistance in late September or early October of 1999. The Department has no record of such an application. They do have a record of an August 1999 application for GA for a dental problem. The petitioner was given until the first week of January to provide some evidence of this application (such as a denial notice). He did not provide such proof.

install a small light bulb to heat it up and avoid a future freeze up.

7. The petitioner has made no attempt in the last few months to try to get some other funding for the pump. He says from past experience he knows he cannot get a bank loan because of his low income. Although he appears to own his two hundred and forty-six acres outright (no mortgage has been recorded on it) he says that he will not sell any of it and that he could not if he wanted to due to the difficulty of subdividing land which he says he tried unsuccessfully in the 1980's. He also claims that he has over \$150,000 in loans on the property which were never recorded with the town and which he is not paying back. Money to pay his taxes of \$4,200 per year are loaned to him by a friend. He said he did not want to bother her about paying for the pump as well. The petitioner was reluctant to give any more information or details about these loans and benefactors.

ORDER

The decision of the Department is affirmed.

REASONS

General Assistance regulations require the Department to assist eligible individuals with emergency needs when they have exhausted all available income and resources. See W.A.M. 2600 A and B. However, the regulations specifically prohibit the provision of certain kinds of assistance in relation to fuel and utility requests as follows:

. . . Charges for either purchase or rental of equipment, appliances, space or water heaters, outdoor lighting, or installation, service, and repair charges shall not be paid by General Assistance except as authorized specifically in other sections of the manual.

W.A.M. 2617.1

The Department has interpreted this provision as preventing it from buying a water pump for the petitioner's well, as such an acquisition would be a purchase of equipment not specifically authorized in any other section of the manual. No argument has been offered by the petitioner that the Department has misinterpreted this provision or that it is in conflict with state law. The Department's interpretation cannot be said to be unreasonable in this case since the water pump is utility-related equipment and the regulation does proscribe payment for such equipment.

Since the Department has set forth a valid ground for denying the petitioner's request, it is not necessary to

determine whether the other ground put forth by the Department in its memorandum, the lack of an emergency situation--is accurate or not. It is important, however, given the fact that the petitioner appears to be a repeat applicant for GA assistance, that he understands the parameters of the program. The petitioner, who has a relatively low income and is attempting to maintain a large tract of land, incurs a yearly obligation in taxes alone which is equal to 60% of his income. Given the primitive nature of his housing and land improvements, it is entirely foreseeable that he will have other further shelter related expenses which he will not be able to meet. The extent to which any of his problems is foreseeable will always be an issue in a GA application, as will his ability to employ his resources to solve these problems. While it is true, as he claims, that it is not realistic to think that the petitioner can convert any of his property to cash on a moment's notice to solve his housing and other problems, it is incumbent upon the petitioner to explore to what extent he can use this potentially very valuable resource to solve his future financial problems. The petitioner is put on notice that any future applications for GA will require him to show that his property is not a

resource which could be partially liquidated to help finance his needs. See "Available Resources" at W.A.M. 2601.

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